

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

_____	:	
Hugh Maurice Allen Wade,	:	
	:	Civil Action No. 15-8925(RMB)
Petitioner,	:	
	:	
v.	:	MEMORANDUM AND ORDER
	:	
Warden, FCI-Fairton, et al.,	:	
	:	
Respondents.	:	
_____	:	

This matter comes before the Court upon Plaintiff's Motion to Supplement/Amend Petition Pursuant to 28 USCA 2241 (Habeas Corpus) (ECF No. 8), filed after Respondents answered the petition. Respondents did not oppose the motion.

Petitioner seeks to add two grounds for relief to his petition under 28 U.S.C. § 2241, challenging a decision by the U.S. Parole Commission, and the Bureau of Prison's calculation of his sentence. (Mot. to Amend, ECF No. 8 at 4.) The claims he seeks to add are as follows:

The U.S. Parole Commission denied petitioner of due process by not advising him that he was exposed to a confinement beyond the parole guidelines by virtue of having three new criminal conduct violations.

The Commission did not properly certify the initial 1990 conviction and the finality of that conviction which was subsequently

vacated and not a "suspended sentence" as mischaracterized by petitioner.

(Id.)

The Federal Rules of Civil Procedure may be applied to a proceeding under the Rules Governing Section 2254 Cases in the United States District Courts, and by virtue of Rule 1(b) broadening the scope of the rules, may be applied to proceedings under 28 U.S.C. § 2241, if not otherwise inconsistent with the Rules. See Rule 12, Rules Governing Section 2254 Cases in the United States District Courts.

Under Federal Rule of Civil Procedure 15(a)(1)(B):

A party may amend its pleading once as a matter of course

. . . .

If the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading . . .

Here, a responsive pleading was required and was filed on March 28, 2016. Petitioner filed his motion to amend 21 days after the answer was filed, on April 18, 2016. Under Federal Rule of Civil Procedure 15(a)(1)(B), Petitioner's amendment may proceed as a matter of course. Therefore, the Court will direct Respondent to Answer the new claims in the amended petition.

IT IS, therefore, on this 25th day of May 2016,

ORDERED that Petitioner's Motion to Amend (ECF No. is 8) is GRANTED; and it is further

ORDERED that Respondent shall file an Answer to the claims in Petitioner's motion to supplement/amend (ECF No. 8) within thirty days of the date of this Order; and it is further

ORDERED that the Clerk of the Court shall serve this Order on Petitioner by regular mail.

s/RENÉE MARIE BUMB
RENÉE MARIE BUMB
United States District Judge